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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PULLIAM, CHRISTYANN R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,228	Applicant(s) IIDA, KAZUE	
	Examiner Christyann Pulliam	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8, and 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2008 has been entered.

2. Claims 1, 3-6, 8, and 10-11 are pending as amended April 10, 2008. Claims 1, 3-5 and 8 are currently amended. Claims 2, 7 and 9 are cancelled. Claim 6 is previously presented. Claims 10-11 are new.

3. Amendments to the drawings overcome the prior objections.

Claim Objections

4. Claims 1, 5 and 8 objected to because of the following informalities: grammar issues and missing words.

“as a condition to respond search results” should likely be “as a condition to respond with search results” or something else depending on intended meaning;

“recording predetermined number of pieces of authentication information” should likely be “recording a predetermined number of pieces of authentication information”;

“when designation of one of said information retrieval sites with search condition is accepted” appears to be missing something, possibly just an article;

“received from said information retrieval” appears to be missing the word “site”; it should likely be “received from said information retrieval site”.

Appropriate correction is required.

5. Claims 1, 5 and 8 objected to because of the following informalities: confusing terms. Inconsistent reference to terms causes confusion as to whether or not the term refers to the same element as the prior use of the term. In the generating step, “designation of one of said information retrieval sites” appears to be picking one site. However then the reading step it says “corresponding to said information retrieval sites designated”, which would be more than one site. Further confusion occurs with later references to “said information retrieval site” (singular). The phrase “said information retrieval site” is confusing in and of itself self because there is already “said information retrieval sites”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 5, 8 and 11, and by way of dependence 3-4, 6 and 10, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For, Claims 1, 5 and 8, the new structures of the claims are unclear. There are now two steps that receive by transmitting. It is unclear why the separate transmission steps were removed. The receiving of authentication is now done by transmitting data. The receiving of search results it done by transmitting the request. This is very confusing and makes it quite unclear as to what process is being claimed. Claim 11 makes similar statements in its two receiving step. It claims receiving after something is sent but that something was not send in the claim. The steps and requirements are unclear. Therefore, the scope of the claims is indefinite. Accordingly, Claims 1, 3-6, 8, and 10-11 are indefinite.

8. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 reads "waiting until a piece of authentication information unused by other cross-site search processes appears when all of the pieces of authentication information corresponding to said information retrieval site designated by said user terminal are used by other cross-site search processes". It is unclear how a piece of information unused appears when all the pieces are used. Information rarely just "appears" in computers. Further, it is unclear why waiting is involved in accessing ones own authentication information. Accordingly, Claim 10 is indefinite.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-6, 8, and 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,807,539 (hereinafter Miller), and further in view of Teng et al., U.S. Patent No. 6,631,367 (hereinafter Teng).

As for Claims 1, 5 and 8, Miller teaches:

recording, into a storage, a script definition in which a conversion function and an authentication function are defined for each of said information retrieval sites that requires authentication as a condition to respond search results, said conversion function converting a description of the search condition in compliance with a predetermined description rule into a description in compliance with a description rule of each of said information retrieval sites, and said authentication function being used for an authentication procedure of each of said information retrieval sites that requires authentication as a condition to respond search results (See e.g. Miller – col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and Figure 5);

...

recording predetermined number of pieces of authentication information into said storage for each of said information retrieval sites that require authentication and restrict number of accesses, said authentication information being assigned to said server by each of said information retrieval sites (See e.g. Miller - col. 8, line 65- col. 9, 27, col. 4, lines 9-14 and col.1, lines 24-25);

generating a cross-site search process when designation of one of said information retrieval sites with search condition is accepted from said user terminal (See e.g. Miller – col. 6, lines 53-61 and Figure 5);

said cross-site search process executing:

reading, from said storage, said script definition corresponding to said information retrieval sites designated by said user terminal (See e.g. Miller – col. 5, line 62- col. 6, line 48 and col. 7, lines 21-31 and Figure 5);

identifying a piece of authentication information unused by other cross-site search processes from among pieces of authentication information corresponding to said information retrieval site designated by said user terminal when said script definition read in said reading step defines the authentication function (See e.g. Miller - col. 8, line 65- col. 9, 27, col. 4, lines 9-14 and col.1, lines 24-25, col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and Figure 5);

receiving the authentication from said information retrieval site by transmitting said authentication information unused by other cross-site search processes according to said authentication function (See e.g. Miller – col. 5, line 62- col. 6, line 48 and col. 7, lines 21-31 and Figure 6);

converting said search condition designated by said user terminal into a search condition in compliance with a description rule of said information retrieval site according to said conversion function defined in said script definition (See e.g. Miller – col. 5, line 62- col. 6, line 22 and Figure 5);

receiving the search results from said information retrieval site by transmitting a search request that includes said search condition converted in said converting step (See e.g. Miller – col. 6, lines 22-32 and Figure 5); and

transmitting, to said user terminal, said received search results received from said information retrieval (See e.g. Miller – col. 6, lines 42-48 and Figure 5).

Miller teaches performing any authorization needed, but does not make clear in detail its process when there is no authorization required. However Teng teaches recording, into said storage, a script definition in which a conversion function is defined for each of said information retrieval sites in which an authentication is unnecessary (See e.g. Teng – search manager – col. 2, lines 7-65 protocols – col. 3, lines 2-8).

Miller and Teng are from the analogous art of providing search access to a variety of databases. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Miller and Teng to have combined Miller and Teng. The motivation to combine Miller and Teng is to provide access to heterogeneous databases. Both Miller and Teng provide access to multiple databases. Miller focuses on ones with authentication requirements. Teng focuses on ones without logons. Putting them together helps to accomplish the goal that both were working towards. They provide access to multiple database through a common user interfaces

and to be able to enter a search once but access multiple databases. It would have been obvious to one of ordinary skill to have combined Miller and Teng.

As for Claim 3, Miller as modified teaches the parent Claim 1. Miller also teaches further comprising: transmitting authentication information assigned by said information retrieval site to according to the authentication function to receive the authentication from said information retrieval site when said script definition for said information retrieval site includes said authentication function (See e.g. Miller – col.8, line 30- col. 9, line 8 and col. 7, lines 21-38).

As for Claim 4, Miller as modified teaches the parent Claim 1. Miller also teaches wherein communication between said server and said user terminal, and communication between said server and said information retrieval site use TCP/IP and HTTP, respectively (See e.g. Miller – Figure 1 – Internet uses TCP/IP and col. 5, lines 45-55 – HTTP).

As for Claim 6, Miller as modified teaches the parent Claim 5. Miller also teaches wherein said cross-site search program is a Common Gateway Interface program (See e.g. Miller – Figures 3-4 and col. 8, lines 30-65, col. 2, lines 16-65 and col. 4, line 31-col. 59). Teng also teaches CGI (See e.g. Teng – col. 6, lines 56-67 and Claim 5).

As for Claim 10, Miller as modified teaches parent Claim 1. Miller also teaches wherein said cross-site search process further executing:

waiting until a piece of authentication information unused by other cross-site search processes appears when all of the pieces of authentication information corresponding to said information retrieval site designated by said user terminal are used by other cross-site search processes (See e.g. Miller - col. 8, line 65- col. 9, 27, col. 4, lines 9-14 and col.1, lines 24-25, col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and Figure 5 – inherently the log in is successfully set up only when the information used is valid and not in conflict with another session).

As for Claim 11, Miller teaches:

A method, comprising:

recording, in a storage, ...a script definition for an authentication function for each site that requires authentication, and a predetermined number of pieces of authentication information for each site that requires authentication and restrict the number of accesses (See e.g. Miller – col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and col. 8, line 53-col. 9, lines 25);

generating a search process when a user designates a site to be searched with a search condition (See e.g. Miller – col. 6, lines 53-61 and Figure 5);

transmitting a piece of authentication information identified as corresponding to the site designated by the user based on the script definition read from the storage (See

e.g. Miller - col. 8, line 65- col. 9, 27, col. 4, lines 9-14 and col.1, lines 24-25, col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and Figure 5);

receiving an authentication from a site requiring authentication after the piece of authentication information that corresponds to the site is transmitted to the site (See e.g. Miller - col. 8, line 65- col. 9, 27, col. 4, lines 9-14 and col.1, lines 24-25, col. 5, line 62- col. 6, line 22 and col. 7, lines 21-31 and Figure 5);

receiving search results from the site after a search request that includes a search condition is transmitted to the site (See e.g. Miller – col. 6, lines 22-32 and Figure 5); and

transmitting the search results received from the site to the user (See e.g. Miller – col. 7, lines 38-43 and col. 6, lines 32-48 and Figures 3-5).

Miller teaches performing any authorization needed, but does not make clear in detail its process when there is no authorization required. However, Teng teaches a script definition for each site that does not require authentication (See e.g. Teng – search manager – col. 2, lines 7-65 protocols – col. 3, lines 2-8).

Miller and Teng are from the analogous art of providing search access to a variety of databases. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Miller and Teng to have combined Miller and Teng. The motivation to combine Miller and Teng is to provide access to heterogeneous databases. Both Miller and Teng provide access to multiple databases. Miller focuses on ones with authentication requirements. Teng focuses on ones without logons. Putting them together helps to accomplish the goal that both were working

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towards. They provide access to multiple database through a common user interfaces and to be able to enter a search once but access multiple databases. It would have been obvious to one of ordinary skill to have combined Miller and Teng.

Response to Arguments

11. Applicant's arguments have been fully considered but they are not persuasive or are moot in view of the new ground(s) of rejection.

12. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

13. Applicant argues/notes that "requiring authentication and restricting number of accesses" are distinct and that Miller does not teach the later. However, as was stated by the Examiner in the last action, it is still unclear how these elements are distinct. The requirement of authentication inherently limits the number of accesses to only those with proper authentication information (user name, password, etc). Miller teaches databases that require authentication and restrict number of accesses when it teaches access to propriety and subscription databases (See e.g. Miller – col. 1, lines 25-65 and col. 4, lines 10-14). These databases control the number of times the database can be

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accessed based on requiring a subscription but can be accessed using the translators described in Miller. Miller also teaches a process ID in its session ID and management of multiple users (See e.g. Miller - col. 8, line 30- col. 9, line 26), which would further show management of the number of accesses. Many subscriptions limit the number of times or hours a user can use the system. Also, all websites that require authentication control access. Those sites inherently restrict the number of access by that access control and by the technology available to service access requests. To further confusion, it is unclear if the Applicant notes a difference, then does the current system fail to function if a system requires authentication but does not limit the number of accesses. Accordingly, it is unclear from the specification and claims what further limitation this language is intended to provide or how it impacts the requirements specifications.

14. Applicant also argues that Miller does not teach the newly added element of “identifying a piece of authentication information unused by other cross-site search processes from among pieces of authentication information corresponding to said information retrieval site designated by said user terminal when said script definition read in said reading step defines the authentication function”. Like the argument above, it is unclear what the applicant is trying to claim with this addition. If a user has a user name and password stored in a database for use in accesses a site, then how would this information be used by someone else concurrent with the user’s attempt to use it. Outside of nefarious activity, it seems as though a basic assumption in a system like

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Miller would be that user's authentication information would not be used by another to access the same database as the user was trying to access. At least in writing a patent application, it seems safe to assume that Miller would not mention this fact but that its system inherently would only use authentication information appropriate to the user.

The specification does mention authentication information not in use, but there is no explanation of its meaning. Accordingly, it is unclear from the specification and claims what further limitation this language is intended to provide or how it impacts the requirements specifications.

15. Miller as modified by Teng teaches the Claims 1, 3-6, 8, 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christyann Pulliam whose telephone number is (571)270-1007. The examiner can normally be reached on M-F 9 am-6 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. P./

Examiner, Art Unit 2165

June 12, 2008

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165